

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>KARL FUGATE,</b>	:	
	:	<b>Case No. 1:19cv30</b>
<b>Plaintiff,</b>	:	
	:	<b>Judge Timothy S. Black</b>
<b>v.</b>	:	
	:	<b>Magistrate Judge Bowman</b>
<b>RONALD ERDOS, et al.,</b>	:	
	:	
<b>Defendants.</b>	:	

**NOTICE OF APPEAL**

Notice is hereby given that Defendant, Ronald Erdos, hereby appeals to the United States Court of Appeals for the Sixth Circuit from the District Court's Order (Doc. 89), adopting the Magistrate Judge's Report and Recommendation (Doc. 80), granting in part, and denying in part, Defendant's Motion for Summary Judgment, which included qualified immunity, entered in this action on September 28, 2021.

Respectfully submitted,

DAVE YOST  
Ohio Attorney General

/s/ *Thomas E. Madden*  
THOMAS E. MADDEN (0077069)  
Senior Assistant Attorney General  
Criminal Justice Section  
Corrections Litigation Unit  
30 E. Broad Street – 23<sup>rd</sup> Floor  
Columbus, Ohio 43215  
Tel: (614) 995-3234  
thomas.madden@OhioAGO.gov

*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing *Notice of Appeal* was electronically filed on October 28, 2021. Notice of this filing was served by regular U.S. mail, postage prepaid, to Karl Fugate, #A528-949, Ohio State Penitentiary, 878 Coitsville-Hubbard Road, Youngstown, OH 44505. Parties may access this filing through the Court's system.

/s/ Thomas E. Madden

Thomas E. Madden (0077069)

Senior Assistant Attorney General